

ESTTA Tracking number: **ESTTA554081**Filing date: **08/14/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Samuel Katzin-Simon		
Entity	Individual	Citizenship	UNITED STATES
Address	200 Park Avenue South, #25697 New York, NY 10003 UNITED STATES		

Attorney information	Susan Upton Douglass Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES sdouglass@frosszelnick.com Phone:212-813-5900
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Registration Subject to Cancellation

Registration No	3738107	Registration date	01/12/2010
Registrant	Hanson, Ambrea C. 1013 Tower Circle New Glarus, WI 53574 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2009/03/01 First Use In Commerce: 2009/06/17 All goods and services in the class are cancelled, namely: Body shapers; Body suits; Bras; Brassieres; Corsets; Foundation garments; Foundation garments worn around the midsection or thighs to keep the stomach in and create a slimming effect; Girdles; Hosiery; Leg shapers; Panties; Panties, shorts and briefs; Pantyhose; Shirts; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Strapless bras; Straps for bras; T-shirts; Tank tops; Tank-tops; Tee shirts; Tube tops
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	CHIEKI Cancellation (F1282931).PDF(53900 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/sud/
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Name	Susan Upton Douglass
Date	08/14/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 3,738,107

Trademark: CHIEKI

Registered January 12, 2010

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Samuel Katzin-Simon,	:	
	:	
Petitioner,	:	
	:	
- against -	:	
	:	
Ambrea C. Hanson,	:	
	:	
Registrant.	:	
-----	X	

BOX TTAB

FEE

PETITION FOR CANCELLATION

Samuel Katzin-Simon ("Petitioner"), a. U.S. citizen with an address at 200 Park Avenue South, #25697, New York, New York 10003, believes that he will be damaged by the continued registration of U.S. Reg. No. 3,738,107, issued on January 12, 2010 to Ambrea C. Hanson ("Registrant"), and hereby petitions to cancel the same pursuant to Section 14(3) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(3).

As grounds therefor, Petitioner alleges as follows:

1. Petitioner is the owner of pending application Serial No. 85/780,604 for the mark Cheeki and Design for "underwear" in Class 25.
2. Registrant owns U.S. Registration No. 3,738,107 for the mark CHIEKI, registered on January 12, 2010 for "body shapers; body suits; bras; brassieres; corsets; foundation garments; foundation garments worn around the midsection or thighs to keep the stomach in and create a

slimming effect; girdles; hosiery; leg shapers; panties; panties, shorts and briefs; pantyhose; shirts; short-sleeved or long-sleeved t-shirts; short-sleeved shirts; strapless bras; straps for bras; t-shirts; tank tops; tank-tops; tee shirts; tube tops” in Class 25.

3. Registration No. 3,738,107 has been cited under Section 2(d) of the Trademark Act as a basis for refusing registration of Petitioner’s mark CHEEKI and Design.

4. On information and belief, use of the mark CHIEKI for the Class 25 goods has been discontinued with intent not to resume such use. Thus, Registrant has abandoned its trademark.


5. Petitioner will be damaged by the continuing registration of the CHIEKI mark by the Registrant because the registration is blocking registration of Petitioner’s mark CHEEKI and Design in its application Serial No. 85/780,604.

WHEREFORE, Petitioner requests that Registration No. 3,738,107 be canceled.

Dated: New York, New York
August 14, 2013

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Susan Upton Douglass
Attorneys for Petitioner
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Petition for Cancellation was sent by first class mail to Ambrea C. Hanson, 1013 Tower Circle, New Glarus, Wisconsin 53574, this 14th day of August 2013.

A handwritten signature in cursive script, appearing to read "Susan Upton Douglass", written in black ink.

Susan Upton Douglass

Generated on: This page was generated by TSDR on 2013-08-14 17:10:34 EDT

Mark: CHEEKI



US Serial Number: 85780604

Application Filing Date: Nov. 15, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Mar. 12, 2013

Mark Information

Mark Literal Elements: CHEEKI

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the term "Cheeki" in a stylized font, with the dot of the lowercase letter "i" being comprised of a heart design, centered within an oval pinched in the center at two locations.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "CHEEKY"

Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards
26.03.28 - Oval shape (miscellaneous overall shape); Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals
27.01.04 - Objects composed of letters or numerals; Punctuation forming objects; Letters forming objects; Numbers forming objects
27.03.05 - Objects forming letters or numerals
29.01.07 - Inconspicuous designs functioning as punctuation or parts of letters; Small, inconspicuous design elements functioning as punctuation or parts of letters

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Underwear

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 02, 2012

Use in Commerce: Oct. 02, 2012

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Katzin-Simon, Samuel

Owner Address: 200 Park Avenue South, #25697
New York, NEW YORK 10003
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Susan Upton Douglass
Attorney Primary Email Address: sdouglass@frosszelnick.com
Docket Number: KATZ 1207019
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN AND ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES
Phone: 212-813-5900
Fax: 212-813-5901
Correspondent e-mail: sdouglass@frosszelnick.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 12, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 12, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 12, 2013	NON-FINAL ACTION WRITTEN	70729
Mar. 11, 2013	ASSIGNED TO EXAMINER	70729
Nov. 27, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 26, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 19, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: DELANEY, ZHALEH SYBIL
Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED
Date in Location: Mar. 12, 2013